

GILBERT LAMAR FOUST,

Petitioner,

v.

LEWIS GRAY, Administrator,
Cartaret Correctional
Institution,

Respondent.

THIS MATTER is before the Court on consideration of Petitioner's motion to appoint counsel and Petitioner's motion to compel response to interrogatories.

I. MOTION TO APPOINT COUNSEL

In his motion to appoint counsel, Plaintiff offers no explanation regarding why he should be entitled to counsel other than indigence. The Court observes that there is no constitutional right to counsel in Section 2254 proceedings. See Pennsylvania v. Finley, 481 U.S. 551, 555 (1987). Under 18 U.S.C. § 3006A(a)(2)(B), a court may appoint counsel in a habeas proceeding if it finds that “that the interests of justice so require.” The Court has examined Petitioner’s Section 2254 petition, the answer from Respondent, and finds that Petitioner has adequately presented his allegations to the Court. The motion for appointment of counsel is denied in the Court’s discretion.

II. MOTION TO COMPEL

Plaintiff has filed what amount to interrogatories for Respondent to answer. The Court has not ordered discovery in this matter although authorized to do so. Rule 6 of the Rules

Governing Section 2254 Proceedings provides that leave of court is required before the commencement of discovery and that reasons must be provided by the party requesting discovery. The Court has examined the record in this matter and does not find good cause to order discovery in this proceeding. Petitioner's motion to compel will be denied.

IT IS, THEREFORE, ORDERED that:

1. Petitioner's Motion for Appointment of Counsel is **DENIED**. (Doc. No. 3).
2. Plaintiff's Motion to Compel Discovery is **DENIED**. (Doc. No. 12).

Signed: June 6, 2013

A handwritten signature in black ink, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

